

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Russell Martin,

NO. C 08-04067 JW

Plaintiff,

**ORDER REQUIRING SUPPLEMENTAL  
EVIDENCE**

v.

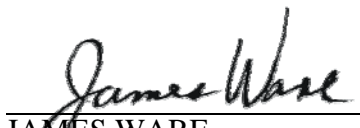
M. S. Evans, et al.,

Defendants.

Presently before the Court is Plaintiff's Motion for an Order Compelling Defendants to Reply to Plaintiff's Complaint.<sup>1</sup> In their Opposition to the Motion, Defendants contend that the Motion is "premature . . . because [Plaintiff] did not exhaust administrative remedies for at least one of his two claims."<sup>2</sup> However, Defendants offer no evidence in support of this contention.

The Court finds that it would benefit from supplemental evidence as to this issue. Accordingly, on or before **January 27, 2012**, Plaintiff shall file evidence showing that he exhausted administrative remedies for his claims.

Dated: January 25, 2012

  
JAMES WARE  
United States District Chief Judge

<sup>1</sup> (Plaintiff Russell Martin's Notice of Motion and Motion for an Order Compelling Defendants to Reply to Plaintiff's Complaint; Memorandum of Points and Authorities in Support, hereafter, "Motion," Docket Item No. 59.)

<sup>2</sup> (Defendants' Response to Plaintiff's Motion to Compel a Reply to the Complaint at 2, Docket Item No. 60.)

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: January 25, 2012**

**Richard W. Wieking, Clerk**

By: /s/ JW Chambers  
**Susan Imbriani**  
**Courtroom Deputy**